

B104
(Rev. 8/87)

**ADVERSARY PROCEEDING
ADVERSARY PROCEEDING COVER SHEET**
(Instructions on Reverse)

APR01'04 AM 11:38 USB
ADVERSARY PROCEEDING NUMBER
(Court Use Only)

PLAINTIFFS

MICAELA BURKE

DEFENDANTS

FILING FEE PAID

JOSEPH R. NERONHA and
MARIA A. NERONHA

ATTORNEYS (Firm Name, Address, and Telephone No.)

Douglas W. McCormac
S.E. Mass. Legal Assistance Corp.
21 South Sixth Street / (508) 979-
New Bedford, MA 02740 / 7150

ATTORNEYS (If Known)

Robert S. Simonian
154 North Main Street
Suite 5
Fall River, MA 02721

PARTY (Check one box only) ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 U.S. NOT A PARTY

CAUSE OF ACTION (Write a brief statement of cause of action, including all U.S. Statutes involved)

COMPLAINT TO EXCEPT DEBT FROM DISCHARGE pursuant to 11 U.S.C. § 523(a)(6) for Defendant Joseph R. Neronha's debt to the Plaintiff for willful and malicious injury, i.e., the award of the Massachusetts Commission Against Discrimination (11/17/03).

NATURE OF SUIT

(Check the one most appropriate box only)

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 454 To Recover Money or Property | <input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11 or Chap. 13 Plan | <input type="checkbox"/> 456 To obtain a declaratory judgement relating to any of foregoing causes of action |
| <input type="checkbox"/> 435 To Determine Validity, Priority, or Extent of a Lien or Other Interest in Property | <input checked="" type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. § 523 | <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court |
| <input type="checkbox"/> 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property | <input type="checkbox"/> 434 To obtain an injunction or other equitable relief | <input type="checkbox"/> 498 Other (Specify) |
| <input type="checkbox"/> 424 To object to or revoke a discharge 11 U.S.C. § 727 | <input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan. | |

ORIGIN OF PROCEEDINGS

(Check one box only)

☒ 1. Original Proceeding

☐ 2. Removed Proceeding

☐ 4. Reinstated or Recopened

☐ 5. Transferred from Another Bankruptcy

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND

NEAREST THOUSAND
\$ 69,000

OTHER RELIEF SOUGHT

☐ JURY DEMAND

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES

NAME OF DEBTOR

Joseph R. Neronha and
Maria A. Neronha

BANKRUPTCY CASE NO.

04-10219 cjk

DISTRICT IN WHICH CASE IS PENDING

Massachusetts

DIVISIONAL OFFICE

Eastern

NAME OF JUDGE

Carol J. Kenner

RELATED ADVERSARY PROCEEDING (IF ANY)

PLAINTIFF

DEFENDANT

ADVERSARY PROCEEDING NO.

DISTRICT

DIVISIONAL OFFICE

NAME OF JUDGE

FILING FEE (Check one box only) ☐ FEE ATTACHED ☐ FEE NOT REQUIRED ☐ FEE IS DEFERRED

DATE

March 29, 2004

PRINT NAME

Douglas W. McCormac

SIGNATURE OF ATTORNEY (OR PLAINTIFF)

Douglas W. McCormac

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

PRO1 '04 AM11:38 USB

In re Joseph R. Neronha
and Maria A. Neronha

Case No. 04-10219 cjk
Chapter 7

MICAELA BURKE,
Plaintiff

FILED FEE PAID

vs.

JOSEPH R. NERONHA
and MARIA A. NERONHA,
Defendants

Adversary Proceeding No. _____

COMPLAINT TO EXCEPT DEBT FROM DISCHARGE

1. The Plaintiff, Micaela Burke, who resides at 889 Church Avenue, Warwick, Rhode Island, is a creditor of the debtor, Joseph R. Neronha.

2. The Defendants, Joseph R. Neronha and Maria A. Neronha, who reside at 54 Bay Street, Fall River, Massachusetts, are co-petitioners in the above-captioned bankruptcy action, and Joseph R. Neronha is the Plaintiff's debtor.

3. The Bankruptcy Court has jurisdiction of this Complaint pursuant to 28 U.S.C. §§1334 and 157(b)(2)(I).

4. The Defendant's debt to the Plaintiff for which an exception from discharge is sought is in the present amount of sixty-nine thousand four-hundred thirty-three dollars and three cents (\$69,433.03). The Plaintiff herewith has filed her Proof of Claim (which is incorporated herein by reference).

5. The Defendant's debt to the Plaintiff was established by a final order of the Massachusetts Commission Against Discrimination ("MCAD"), One Ashburton Place, Boston,

MA 02108, made on November 17, 2003, as a result of the MCAD's findings against the Defendant, Joseph R. Neronha, of unlawful discrimination on the basis of sex.

6. The Defendant has not appealed or sought judicial review of the MCAD order and award; and the Defendant has not paid the MCAD award to the Plaintiff.

7. The debt of the Defendant Joseph R. Neronha is owed to the Plaintiff Micaela Burke for the willful and malicious injury by the debtor to the creditor.

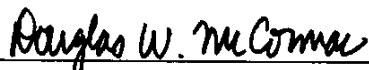
8. The actions of the Defendant, Joseph R. Neronha, against the Plaintiff, Micaela Burke, caused the Plaintiff injuries for which the MCAD order and award compensated her.

9. The said actions of the Defendant, Joseph R. Neronha, were willful.

10. The said actions of the Defendant, Joseph R. Neronha, were malicious.

WHEREFORE, the Plaintiff prays that the Honorable Court shall order and adjudge that the Defendants' debt to their creditor, Micaela Burke, shall not be discharged and shall be excepted from discharge, as an obligation arising out of the debtor's willful and malicious injury, pursuant to 11 U.S.C. §523(a)(6), and that the automatic stay on further legal proceedings to collect this debt shall be lifted, and such other relief as may be warranted.

Dated: March 29, 2004



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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re Joseph R. Neronha
and Maria A. Neronha

Case No. 04-10219 cjk
Chapter 7

MICAELA BURKE,
Plaintiff

APR01 '04 AM11:38 USB

vs.

JOSEPH R. NERONHA
and MARIA A. NERONHA,
Defendants

Adversary Proceeding No. _____

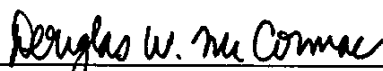
CERTIFICATE OF ATTORNEY

I, Douglas W. McCormac, hereby certify that the following statements are true to the best of my knowledge:

1. I am a member of the Massachusetts Bar, B.B.O registration number 550801.
2. I am a member of the bar in good standing in every jurisdiction where I have been admitted to practice.
3. There are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.
4. I am familiar with the Local Rules of this Court.

Signed under the pains and penalties of perjury on this 29th day of March, 2004.

Dated: March 29, 2004



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